

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

AIKEN DIVISION

MONUMENTAL LIFE INSURANCE)
COMPAY and STONEBRIDGE LIFE)
INSURANCE COMPANY ,)

Plaintiffs,)

v.)

DAVID WADE NORTH, KEVIN J.)
NORTH, and NELLIE J. TOOTHMAN,)

Defendants.)
_____)

Civil Action No. 1:10-88-TLW-JRM

REPORT AND RECOMMENDATION

This case involves claims to the proceeds of a life insurance policy. The case was initially assigned to the Honorable Margaret B. Seymour, United States District Judge, who appears to have resolved the dispute. Defendants Wade North and Kevin North filed a motion to distribute the remaining funds presently held by the Court. The case was reassigned to the Honorable Terry L. Wooten, United States District Judge on October 24, 2011. Judge Wooten referred the pending motion to the undersigned.

No party has objected to the motion to disburse funds. It is therefore recommended that the motion to disburse funds be **granted**.



Joseph R. McCrorey
United States Magistrate Judge

Columbia, South Carolina
December 29, 2011

The parties are referred to the Notice Page attached hereto.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).